

**AMENDMENT NO. 8 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 4th day of January 4, 2004, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RBF Consulting (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional environmental services for various City projects on April 23, 1999, and

WHEREAS, the parties desire to further amend the Agreement to allow CONSULTANT to perform additional professional environmental services related to performing environmental studies and environmental review process for the Milpitas Sports Center improvements,

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 3, entitled "Scope of Consultant's Duties and Services" is amended by adding Exhibit "**AM-8, A-4**", entitled "Scope of Services" which is attached hereto and incorporated by reference herein.
2. Exhibit B, entitled "Compensation Manner and Amount and Professional Team" is amended to include tasks and compensation as described in Exhibit "**AM-8, A-5**". Exhibit B is further amended by adding the following new sections at the end:

The compensation for consulting services and reimburseable expenses and additional services is set forth in Exhibit "**AM-8, A-5**" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "**AM-8, A-4**" shall be Twenty-Five Thousand Three Hundred Forty-Six Dollars (\$25,346.00) for base scope services, and One Thousand Five Hundred Fifty Four (\$1,554.00) for additional services to be expended only upon written authorization by the City.

3. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

EXHIBIT AM-8, A-4

SCOPE OF SERVICES UPDATE THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MILPITAS SPORTS CENTER PROJECT

The Milpitas Sports Center Project has been redesigned to address various issues related to internal site circulation and parking. As a result of the proposed design changes, the Administrative Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project will need to be updated. In addition, the Traffic Impact Analysis for the project will also need to be updated based on the design changes to the project.

This proposal identifies the tasks needed to update the IS/MND based on the proposed Sports Center Circulation improvements. The updated IS/MND will evaluate the original scope of the Master Plan (including the Master Plan improvements for Cardoza Park) with the following changes:

- Improvements to the circulation/parking system.
- Replacement of the track area with a sod turf soccer field.
- Improvements to the fields north of the water tank to include a soccer field.
- Potential future improvements, including construction of a Skate Park and various improvements to the gym for use as an emergency care facility.

This scope of work outlines tasks required to update the documents and complete the CEQA analysis for the proposed project. A preliminary schedule and fee estimate is also attached.

Task 1: Update the Traffic Impact Analysis: Per the City's request, new traffic counts will be required as part of the traffic study update, and as a result, all technical analysis will also be required to be updated. This effort will include analysis of the intersection of Calaveras Boulevard and Carnegie Drive/East Driveway. This intersection was not included in the original traffic study as this is a new driveway as part of the site plan update.

The following describes the proposed scope of work for updating the Traffic Impact Analysis:

Data Collection/Field Review: New traffic counts will be conducted at the following seven intersections:

1. Calaveras Boulevard & Park Victoria Drive
2. Park Victoria Drive & Kennedy Drive
3. Kennedy Drive & Fanyon Street
4. Calaveras Boulevard & Gadsden Drive
5. Calaveras Boulevard & Hillview Drive
6. Calaveras Boulevard & Western Driveway

7. Calaveras Boulevard & Eastern Driveway/Carnegie Drive

Traffic counts will be conducted for both weekday PM peak period (4-6 PM) and Saturday midday peak period (11:30 AM – 1:30 PM). Within this task, TYLI/CCS will conduct a detailed field review at each study intersection to ensure accuracy. The Data collection effort includes roadway and intersection geometrics, signal phasing, location of pedestrian crosswalks, and location of transit stops.

Existing 2004 Traffic Analysis: Based on the data collection effort described in Task 1, TYLI/CCS will update the existing conditions section of the traffic impact analysis report for the study area. Intersection level of service analysis will be conducted to identify current operational deficiencies.

It is assumed that current parking conditions at the site have not changed significantly and the parking utilization surveys conducted for the previous effort are still valid. TYLI/CCS will consult with City staff to ensure no new programs or changes to existing programs at the Sports Center have occurred that might warrant an update of the parking utilization results. Should an update be required, TYLI/CCS will request a scope and budget amendment to perform the additional work and complete the task.

Traffic Forecast: As part of this task, TYLI/CCS will update trip generation of the Project based on proposed revised uses. TYLI/CCS will work closely with City staff to estimate changes in trip generation due to the addition of the soccer field and tennis center. The Project trips will then be distributed and assigned on the roadway system to estimated future traffic conditions. The following describes the traffic scenarios to be updated:

- **Existing Plus Approved Conditions:** TYLI/CCS will consult with City staff to ensure all approved, but yet to be built projects, are included as part of the traffic study update. A comparison of the results to existing conditions will be conducted and any intersections operating at unacceptable levels of service (LOS) will be identified.
- **Existing Plus Approved Plus Project Conditions:** Based on the results of the “Existing Plus Approved” analysis, the updated Sports Center Project trips will be superimposed to estimate short term traffic impacts on the roadway system.
- **2015 Cumulative Conditions:** Consistent with the previous traffic study effort, a 2015 forecast of traffic conditions will be conducted. The purpose of this analysis is to estimate proposed long-term Project impacts on adjacent roadway segments.

Traffic Analysis and Mitigation: Based on traffic forecasts results described in Task 3, TYLI/CCS will conduct delay and capacity analysis studies to determine potential project impacts for each of the study scenarios. In the event that significant impacts are identified, TYLI/CCS will work with City staff to identify feasible mitigation measures to offset traffic impacts.

As part of this task, TYLI/CCS will conduct a traffic signal warrant study at the intersection of Calaveras Boulevard and the Project’s Eastern

Driveway/Carnegie Drive. As we understand, the City is planning to signalize the intersection to better facilitate traffic from the site.

Per the City's request, a cursory analysis of the pedestrian crossing on Kennedy Drive near the northeast corner of the Sports Center Complex will be conducted. TYLI/CCS will observe current operations of the crossing and identify any issues. TYLI/CCS will identify potential impacts due to the proposed changes to the Project and identify possible mitigation measures to ensure safe pedestrian crossing at the subject location. Any recommendations will be discussed with City staff prior to report publication.

Site Circulation and Access: TYLI/CCS will conduct a thorough review of the revised site plan and identify any issues concerning parking, circulation and access. Based on the fact that the revised site plan has already addressed concerns raised in the previous site plan, no major issues are expected.

Documentation and Meetings: TYLI/CCS will prepare one draft report and one final report documenting the procedures, assumptions, findings and recommendations of the traffic study. For the purpose of budget estimation, two (2) staff-level meetings have been budgeted. TYLI/CCS will attend two (2) public hearings/meetings (Commission and Council) as necessary on a time-and-materials basis over-and-above the budget associated with this proposal.

Task 2: Update the Administrative Draft IS/MND: RBF Consulting will update the Administrative Draft IS/MND based on the proposed changes to the project and the updated Traffic Impact Analysis (see Task 1). This task will involve updating the project description, preparing new exhibits, and revising the environmental analysis.

Task 3: Produce Revised Administrative Draft IS/MND: If the Administrative Draft IS/MND concludes that no significant environmental effects will occur as a result of implementation of the Project, an IS/MND will be prepared. RBF will submit five copies of the Revised Administrative Draft IS/MND to the City for review and comment

Task 4: Prepare Public Review Draft IS/MND: Based on one complete set of comments from the City, RBF will revise the IS/MND. One proof-check copy of the document will be e-mailed to the City for final approval prior to reproduction of the document. Once approved for printing, RBF will produce 30 bound copies of the Public Review Draft IS/MND.

Task 5: Distribution of the Draft IS/MND: RBF will prepare a Notice of Intent (NOI) and a Notice of Completion (NOC) for the proposed project. RBF will deliver 15 copies of the Draft IS/MND and copies of the NOI and NOC to Office of Planning and Research State Clearinghouse. The NOI and NOC will also be delivered to the City of Milpitas. RBF Consulting assumes that the City will be responsible for meeting the local noticing requirements of CEQA.

Task 6: Preparation of Mitigation Monitoring and Reporting Program: To comply with

the Public Resources Code Section 21081.6 (AB 3180), RBF will prepare a Draft Mitigation Monitoring and Reporting Program, which will be submitted to the City for review and approval. The Mitigation Monitoring and Reporting Program will be defined through working with staff to identify appropriate monitoring steps and procedures in order to provide a basis for monitoring such measures during and upon project implementation. RBF will revise the Mitigation Monitoring and Reporting Program based on one complete set of comments from the City.

Task 7: Prepare Screen-Check Final IS/MND: RBF will revise the Draft IS/MND in response to comments received during the public review period of the IS/MND. The Final IS/MND will be revised to include the public comment letters and the Mitigation Monitoring and Reporting Program. RBF will submit five copies of the Screen-Check Final IS/MND to the City for review and comment

Task 8: Produce and Submit the Final IS/MND: Based on one complete set of comments from the City, RBF will revise the Final IS/MND. One proof-check copy of the document will be e-mailed to the City for final approval prior to reproduction of the document. Once approved for printing, RBF will produce 20 bound copies of the Final IS/MND for the City and one unbound reproducible original hard copy plus an electronic copy of the entire document.

Task 9: Notice of Determination

After the City Council adopts the Final IS/MND, RBF will prepare and post the Notice of Determination (NOD) at the County Clerk's Office. The City of Milpitas will be responsible for all posting fees.

Task 10: Project Management and Meeting Attendance: Mrs. Laura Worthington-Forbes will be responsible for quality assurance/control and CEQA strategic oversight. She will ensure that all commitments made to the City are completed on schedule and within budget as expeditiously as possible. Mr. Jason Jones and Mrs. Darcy Kremin will undertake daily coordination of the project effort. This task assumes attendance at two (2) project meetings with City of Milpitas staff, two (2) public hearings. Additional meetings shall be billed on a Time and Materials basis.

DELIVERABLES* (Summary of copies listed in the Scope of Work)

- Five (5) copies of Revised Traffic Impact Analysis
- Five (5) copies of the Revised Administrative Draft IS/MND
- One (1) proof check copy of Public Review Draft IS/MND (by email)
- Thirty (30) copies of the Public Review Draft IS/MND
- One (1) copy of the NOI
- One (1) copy of the NOC
- One (1) check copy of Public Review Draft IS/MND
- One (1) copy of the Mitigation Monitoring and Reporting Program
- Five (5) copies of the Screen-Check Final IS/MND
- Fifteen (15) copies of Final IS/MND
- One (1) copy of the NOD

*Should the Client require additional copies, RBF will provide a cost estimate to the Client and provide direct cost billing.

ADDITIONAL SERVICES

Services which are not specifically identified herein as services to be performed by RBF or its consultants are considered "Additional Services" for purposes of this Scope of Work. The City of Milpitas may request that RBF perform services which are Additional Services, and an Additional Work Request will be fully executed by the City of Milpitas setting forth the scope, schedule and estimated fee for such Additional Services. In the event RBF performs Additional Services before receipt of such executed amendment, the City of Milpitas acknowledges its obligation to pay for such services at RBF's then current rate sheet.

EXCLUSIONS

Consulting services relating to any of the following tasks may be completed by Consultant if negotiated under a separate contract for an additional fee, but are presently specifically excluded from this Agreement:

- a. Soils Engineering
- b. Construction Staking/As-Built Drawings
- c. Utility Potholing, Electric Utility Coordination
- d. Landscape Plan Preparation and/or Processing
- e. Lot Line Adjustments
- f. Fence Construction Details
- g. Remedial Earthwork Topography and Quantities
- h. Tentative Map/Site Plan Revisions
- i. Revisions to Existing Approved Plans
- j. Bid Package Preparation; Project Scheduling or Review of Contractors Invoices
- k. Borrow, stockpile, and haul route plans
- l. Metric conversions
- m. Well location or abandonment
- n. Creek Studies/Improvements
- o. Any other services not specifically set forth in the above Scope of Services

ASUMPTIONS

RBF has prepared the following Scope of work, Fee Estimate, and Schedule based on the following assumptions:

- RBF Consulting assumes that the level of environmental review required for the project will be an Initial Study/MND.
- The project may require the preparation of technical studies that are not identified in this Scope of Work. If such studies are required to support the IS/MND, then RBF will provide a separate Scope of Work, Fee, and revised Schedule for the preparation of the required technical studies.

- In performing its services hereunder, RBF has or will receive information prepared or compiled by others, the accuracy and completeness of which RBF is entitled to rely upon without independent evaluation or verification.

Client is to pay all jurisdictional agencies fees and costs.

EXHIBIT AM-8, A-5

Preliminary Fee Estimate to Revise the Initial Study/Mitigated Negative Declaration for Milpitas Sports Complex Project

Task	Description	Project Manager \$165	Senior Planner \$100	Graphics \$90	Tylin/CES Engineering	TOTAL
1	Update the Traffic Impact Analysis:	4	8		\$17,000	\$18,460
2	Update the Administrative Draft IS/MND:	2	36	6		\$4,470
3	Produce Revised Administrative Draft IS/MND:		8			\$800
4	Prepare Public Review Draft IS/MND:	2	16	2		\$2,110
5	Distribution of the Draft IS/MND:		8			\$800
6	Preparation of MMRP	2	6			\$930
7	Prepare Screen-Check Final IS/MND:	2	12	2		\$1,710
8	Produce and Submit the Final IS/MND:		8			\$800
9	Notice of Determination	2	2			\$530
10	Project Management and Meeting Attendance:	12	20			\$3,980
Additional Services Allowance						\$1,554
Subtotal						\$36,144
Direct Costs						
	Mileage, Travel					\$100
	Reproduction					\$2,000
	Subconsultant Management Fee (10 percent)					\$1,700
Subtotal						\$3,800
TOTAL COSTS TO COMPLETE CEQA PROCESS						\$39,944
Amount Remaining in Previous Contract						\$13,044
TOTAL BUDGET AUGMENT						\$26,900